REMARKS

Claims 1-40 are pending. Claims 1, 13-15, 22, 25, 26, 28, 33, and 36-38 have been amended. Support for the amendments can be found throughout the specification and original claims, for example in Figures 2, 4, and 5 and Claims 1, 13, 15, 22, 28, 33, and 36-38; the abstract, and paragraphs 0043, 0069, and 0070. No new matter has been added by these amendments.

Claims 15, 18, 21, 28, 31-34, 36, and 37 are allowable over Rudrich.

The above claims have been rejected as anticipated by Rudrich (U.S. Pat. No. 5,651,384). Applicants note that the relevant independent claims, Claims 15, 28, 33, 36, and 37 have been amended to now recite either the presence of a remote control configured to send the wireless command to control the valve and/or motor or a step involving receiving the wireless command signal from a remote control. Rudrich does not teach or suggest a remote control and therefore cannot anticipate or make obvious the present claims. Applicants respectfully request that the rejection be withdrawn and the claims allowed.

Claims 1-14, 25-27 are nonobvious over the combination of DeVito and Ericksen

DeVito (U.S. Pat. No. 5,947,148) teaches a remote-controlled hose reel device. Ericksen (U.S. Pat. No. 6,337,635) teaches a remote-controlled flow controller. The Office Action notes that DeVito does not teach a flow controller. The Office Action asserts that "[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a flow controller in order to control the flow rate of the outdoor hose faucet (see Col. 1, lines 8-13)." Applicants respectfully traverse the rejection.

As an initial point of clarification, the cited portion of Ericksen does not mention controlling water flow rate. Rather, it merely refers to a controller that "automatically starts and stops the flow of water through the valve unit...." Neither Ericksen nor DeVito discusses controlling flow rate. Thus, the purported motivation is not actually recited in the cited art.

While the wording in the rejection is slightly ambiguous, Applicants note that the Examiner may have intended to state that the suggestion or motivation to add a remote-controlled flow controller to DeVito is to control the on/off aspect of the fluid flow. However, if the skilled artisan wanted to control this aspect of fluid flow in DeVito's device, the artisan would have simply installed a manual valve. Thus, there is no apparent need or suggestion in DeVito to use a remote-controlled valve. In fact, skilled artisans would probably have understood the nozzle 20 in DeVito to include a manual valve, as is common in fuel delivery hoses. As such, the purported motivation to control fluid on/off would not have actually motivated one of skill in the art to use Ericksen's flow controller because DeVito's apparatus would already have an on/off valve for fluid flow.

In addition, there is nothing in the teachings of Ericksen that would motivate one to use Ericksen's remotely controlled valve with a hose reel. Indeed, Ericksen actually teaches various aspects that are inconsistent with the use of any hose reel, much less a remotely controlled hose reel. In particular, Ericksen teaches that the manufacturers of faucet controller systems developed wire remote systems in which a controller unit may be located indoors, so that users do not have to go outside to the faucet during inclement weather (*e.g.*, rain) to reprogram a controller for a watering system. (Col. 2, lines 8-30.) That is, Ericksen teaches that the controller can be accessed from indoors. As will be appreciated by the Examiner, while a wireless valve controller could be useful if one were indoors, this same advantage does not apply for a hose reel. Indeed, since the operation of an outdoor hose reel requires the user to be outside, Ericken's stated goal of avoiding inclement weather would not have been achieved if one were to add a remotely controlled valve to the hose reel. This is because the user would have to venture out into the weather to use the hose in the first place and then stay outside to use the reel (*see, e.g.*, col. 1, line 43 of DeVito, noting that rewinding the hose involves the user holding the hose). This requirement of going outside would prevent Ericksen's disclosed goal from being achieved. As is appreciated by the Examiner, it is improper to combine references where their combination would render the reference unsatisfactory for its intended purpose. (M.P.E.P. §2145(X)(D) and §2143.01). As the proposed combination would prevent Ericksen's desired use from being achieved, the combination is improper.

Ericksen further teaches that a wireless remote system avoids problems associated with running cables, *e.g.*, unsightliness of the cable, tripping hazard, drilling holes in walls for the cable passages, etc. (Col. 2, lines 31-51.) However, Ericksen's concerns about the downsides of running cables for a remote control valve controller (unsightliness, tripping hazard, forming cable passages in building) do not apply to hose reels, and would not have motivated one to combine a reel (much less a remotely controlled reel) with a remotely controlled valve. For example, there would be no need to modify a building structure to form cable passages for a wired remote controlled flow controller for a reel. And, in any case, such concerns would be completely obviated by simply using a manual flow control valve upstream of the reel, which is much easier and less expensive than using a wireless remote control valve.

Finally, Claim 1, 14, 22, and 25 have been amended so that the remotely controlled hose reel can be remotely controlled to both wind and unwind a hose. This element is completely absent from all of the present references. DeVito only teaches a rewind feature. As such, not all of the elements have been taught, as required for a *prima facie* case of obviousness.

The dependent claims include all of the elements of the relevant independent claims and are therefore allowable for the same reasons presented above. Moreover, the dependent claims recite additional nonobvious combinations of features of advantage and utility. For example, Claim 7 recites that the components are configured to position the valve at any of a plurality of positions. The Examiner has noted this element and has asserted that the abstract of Ericksen teaches this element. However, the abstract of Ericksen only teaches an open or closed position. Thus, there is no support for the Examiner's rejection of Claim 7 in the abstract of Ericksen. As such, not every element has been taught and a *prima facie* case of obviousness has not been established. Furthermore, Applicants note that Claim 11 recites that the hose reel device and the flow controller are located within a single housing. This element was not addressed in the Office Action and is not present in the cited art; thus, a *prima facie* case of obviousness could not have been established.

Claims 16, 17, 19, 29, and 30 are nonobvious over Rudrich

Claims 16, 17, 19, 29, and 30 depend from novel and nonobvious Claims 15 and 28 and are therefore novel and nonobvious. As noted above, Rudrich does not disclose or suggest the

use of a remote control. As such, not every element is taught or suggested, as required for a *prima facie* case of obviousness.

There is no motivation to combine a remote control with the Rudrich device. The signal in Rudrich is sent and returned to the same device (the sanitary fixture). Moreover, the use of a remote control would make little sense, as the device in Rudrich is arranged so as to run water when one is near, meaning that operation via remote control isn't relevant. Additionally, the use of a remote control for Rudrich's device would require physical contact to turn on the water, which would defeat the purpose of these sensors, which is to allow patrons to avoid sharing surfaces during use. Finally, the pulse train in Rudrich is explicitly there in order to prevent externally derived signals from accidentally activating the device (e.g., col. 1, lines 30-43). If anything, this would teach away from the use of a remote control with the device in Rudrich. As such, the combination of a remote control with Rudrich would not have been obvious.

Applicants note that while the Examiner may have taken official notice of the existence of the operational amplifier, no motivation has been supplied for why the operational amplifier would have been used in the invention of Claim 19. As such, a *prima facie* case of obviousness has not been established.

Claim 20 is nonobvious over Rudrich and Ericksen

Claim 20 depends from novel and nonobvious Claim 15 and is therefore novel and nonobvious for the same reasons noted above. Moreover, the asserted suggestion to combine the references defeats the purpose of Rudrich and is therefore insufficient. The Office Action states that it would have been obvious to combine the references "in order to remotely control the system as taught by Ericksent [sic] et al." (Office Action, p. 5). However, as noted above, the device in Rudrich actually teaches away from the use of a remote control with the device. For example, not only would this defeat the purpose of a hands-free sanitary fixture (as people would have to share a remote), but, as noted above, the pulse train in Rudrich is designed to avoid external (*e.g.*, a remote signal) signals. As such, Rudrich actually teaches away from the use of a remote control and cannot be used to establish a *prima facie* case of obviousness.

Claims 22, 23, 35, 38, and 39 are nonobvious over Ericksen and Lutz

The Examiner has asserted that Claims 22, 23, 35, 38, and 39 are obvious in light of Lutz's asserted teaching of reducing power consumption by "applying an initial voltage to initiate movement of a valve and then reducing the voltage to the valve after the valve begins moving and before the valve is intended to stop (see figure 3 and Col 2, lines 19-37)" (Office Action, page 5, emphasis added). Applicants note that Lutz does not teach the above asserted teaching. In particular, Lutz does not appear to teach reducing the voltage before the valve is intended to stop. Indeed, it appears that the valve in Lutz is stationary during the reduced voltage (see, *e.g.*, "...sufficient to hold the armature in the switch on position." (emphasis added, Col. 2, lines 23 and 24 and see Col. 1, lines 39-45). Thus, the proposed combination does not include each of the claimed elements and the rejection does not establish a *prima facie* case of obviousness.

Claims 22, 24, 38, and 40 are nonobvious over DeVito and Conner

Independent Claims 22 and 38 have been amended to recite that the system controls both an electric motor and a valve. The combination of DeVito and Conner does not teach a system that controls both of these elements. Indeed neither of the references teaches a remotely operated valve. As such, a *prima facie* case of obviousness has not been established. As noted above, there are a variety of reasons why the claimed combination of a remotely controlled hose reel and a remotely controlled valve are novel and nonobvious over the art of record. Furthermore, Claim 22 recites that the motor is configure to drive the reel in a first and a second direction. This is not taught or suggested by any of the cited references. As such, not every element is taught or suggested, as required for a *prima facie* case of obviousness. Claims 24 and 40 depend from the independent claims and are therefore novel and nonobvious as well.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance and request the same. If, however, some issue

remains that the Examiner feels can be addressed by Examiner Amendment, the Examiner is cordially invited to call the undersigned for authorization.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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